

STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

MICHAEL G. PITMAN (DCBN 484164)
Assistant United States Attorney
150 Almaden Boulevard, Suite 900
San Jose, CA 95113
Telephone: (408) 535-5040
Facsimile: (408) 535-5081
Email: michael.pitman@usdoj.gov

COREY J. SMITH (MABN 553615)
Senior Litigation Counsel
United States Department of Justice

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No.: 3:20-CR-00371-WHA
)	
Plaintiff,)	Date Filed: 10/01/2020
)	
v.)	Date Terminated: 01/04/2021
)	
ROBERT T. BROCKMAN,)	
)	
Defendant.)	

UNITED STATES OF AMERICA,)	Case No. 3:21-CR-00155-JD
)	
Plaintiff,)	Date Filed: 04/15/2021
)	
v.)	NOTICE OF RELATED CASE IN A CRIMINAL
)	ACTION
CARLOS E. KEPKE,)	
)	
Defendant.)	

The United States of America, pursuant to Local Criminal Rule 8-1, hereby notifies the Court that the two above-captioned criminal cases are related.

The Indictment in *United States v. Robert T. Brockman*, Case No. 3:20-cr-00371-WHA (N.D. Cal.), was returned on October 1, 2020, and alleged, among other things, that Brockman engaged in a long-term conspiracy in which he used a complex network of offshore entities, nominees, and secret foreign bank accounts to conceal from the U.S. government income he earned through investments in private equity funds managed by Vista Equity Partners. Judge Alsup issued an order transferring that case in its entirety to the Southern District of Texas on January 4, 2020. *See* Case No. 3:20-cr-00371-WHA, Doc. # 76. The case is now docketed at 4:21-cr-00009 (S.D. Tex.).

The Indictment in *United States v. Carlos E. Kepke*, Case No. 3:21-cr-00155-JD (N.D. Cal.) was returned on April 15, 2021, and alleged, among other things, that Kepke engaged in a long-term conspiracy in which he and Robert F. Smith used a complex network of offshore entities, nominees, and secret foreign bank accounts to conceal from the U.S. government income Smith earned through investments in private equity funds managed by Vista Equity Partners.

Although the current Indictment of Kepke does not include any allegations regarding Brockman, Kepke was involved in creating and maintaining portions of Brockman's offshore structure. Additionally, the conspiracies alleged in both Indictments used similar methods to avoid tax on income flowing to two separate investors (Brockman and Smith) from the same private equity funds.

Based upon these facts, the cases are arguably related within the meaning of Local Rule 8-1(b)(1) because they involve the same defendant and the same alleged events, occurrences, transactions, or property. The cases cannot be assigned to a single judge as contemplated by Local Rule 8-1(c)(4) as currently venued.

DATED: April 20, 2021

Respectfully submitted,

STEPHANIE M. HINDS
Acting United States Attorney

s/ Michael G. Pitman
MICHAEL G. PITMAN
Assistant United States Attorney